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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,

Case No. CR98-692-BJR

12 v.

13 JASON D. MICHAUD,

14 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

15 **INTRODUCTION**

16 I conducted a hearing on alleged violations of supervised release in this case on August 12,
17 2011. The defendant appeared pursuant to a summons issued in this case. The United States
18 was represented by Marci Ellsworth, and defendant was represented by Barry Flegenheimer.
19 Also present was U.S. Probation Officer Jennifer Tien. The proceedings were digitally recorded.

20 **SENTENCE AND PRIOR ACTION**

21 Defendant was sentenced on June 9, 1999 by the Honorable Barbara Jacobs Rothstein for
22 Armed Bank Robbery and Use or Carrying a Firearm During Commission of a Crime of
23 Violence. He received 120 months detention and 5 years of supervised release.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated July 6, 2011, U.S. Probation Officer Matthew D. McDaniel alleged that

1 defendant violated the following conditions of supervised release:

2 1. Using marijuana on or before April 4, May 12, and June 23, 2011, in violation of
3 standard condition of supervised release No. 7.

4 2. Using alcohol daily, since on or before June 14, 2011, in violation of a special
5 condition of supervised release. The parties stipulated to amending violation No. 2 to: using
6 alcohol since on or before June 14, 2011, in violation of a special condition of supervised
7 release.

8 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

9 Defendant admitted to the violations, waived any hearing as to whether they occurred, and
10 was informed the matter would be set for a disposition hearing on September 23, 2011 at 2:30
11 p.m. before District Judge Richard A. Jones.

12 **RECOMMENDED FINDINGS AND CONCLUSIONS**

13 Based upon the foregoing, I recommend the court find that defendant has violated the
14 conditions of his supervised release as alleged above, and conduct a disposition hearing.

15 DATED this 12th day of August, 2011.

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18 BRIAN A. TSUCHIDA
19 United States Magistrate Judge
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